



Office of The Attorney General
State of Connecticut

*TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE JUDICIARY COMMITTEE
MARCH 6, 2009*

I appreciate the opportunity to support Senate Bill 964, An Act Concerning the Connecticut Antitrust Act.

This legislation protects the confidentiality of information voluntarily provided to my office as part of an antitrust investigation in the same manner as subpoenaed documents.

Under current law, any information provided to my office in compliance with a subpoena is not accessible to the public and exempt from disclosure under the Freedom of Information Act. In many instances, information that is voluntarily provided -- and the name of the person providing such information -- cannot be similarly protected from disclosure. Yet, often that information may be as critical -- or even more critical -- to a pending investigation as subpoenaed information. Current law also limits my office's ability to protect information obtained through informal interviews of witnesses who have evidence that may be of material assistance to my antitrust investigations -- only depositions and transcripts are expressly protected from disclosure.

This proposal will encourage more businesses to voluntarily provide the Attorney General's office with documentary and testimonial information on anti-competitive practices.

Just recently, several companies willingly agreed to submit to informal interviews as part of an ongoing antitrust investigation, provided such information would remain confidential. Under the current antitrust law, we were unable to provide such assurance -- and indeed some of the information could readily be discloseable under the Freedom of Information Act.

Senate Bill 964 also increases the civil penalties for violations of antitrust laws and for failing to comply with an antitrust subpoena to account for the erosion of inflation. The current penalties were established in 1973. Inflation since then has made the 1973 penalties completely inadequate. For example, a \$500 civil penalty is hardly a deterrent to a corporation for ignoring a subpoena. The penalties included in this measure would make Connecticut's civil penalties similar to other states such as New York, Illinois and Florida.

I urge the committee's favorable consideration of Senate Bill 964.